

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
007/472,856	06/07/95	DAVID L. COOPER	A TRIP-0010-3A

001,009
KING & SCHMIDT, PLLC
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WMA 1/0702

EXAMINER
REF: X

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 07/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of AbandonmentApplication No.
08/472,876

Applicant(s)

Garcia et al.

Examiner

Xu Mei

Art Unit

2644

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
(c) No response has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
(b) The submitted issue fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d) is \$_____.
(c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
(a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
(b) The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
(c) No proposed new formal drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

As required by 37 CFR 1.192(c)(7), appellant needs to explain why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

As required by 37 CFR 1.192(c)(8), appellant needs to present an argument under a separate heading for each issue on appeal.

XU MEI
PRIMARY EXAMINER
ART UNIT 2644

Communication Re: Appeal	Application No. 08/472,876	Applicant(s) Garcia et al.
	Examiner Xu Mei	Art Unit 2644
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p>1. <input type="checkbox"/> The Notice of Appeal filed on _____ is not acceptable because:</p> <p>(a) <input type="checkbox"/> it was not timely filed.</p> <p>(b) <input type="checkbox"/> the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).</p> <p>(c) <input type="checkbox"/> the appeal fee received on _____ was not timely filed.</p> <p>(d) <input type="checkbox"/> the submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ _____.</p> <p>(e) <input type="checkbox"/> the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.</p> <p>(f) <input type="checkbox"/> a Notice of Allowability, PTO-37, was mailed by the Office on _____.</p> <p>2. <input type="checkbox"/> The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:</p> <p>(a) <input type="checkbox"/> the brief and/or brief fee is untimely. See 37 CFR 1.192.</p> <p>(b) <input type="checkbox"/> the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).</p> <p>(c) <input type="checkbox"/> the submitted brief fee of \$ _____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ _____.</p> <p>The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).</p> <p>3. <input checked="" type="checkbox"/> The appeal in this application is DISMISSED because:</p> <p>(a) <input type="checkbox"/> the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.</p> <p>(b) <input checked="" type="checkbox"/> the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.</p> <p>(c) <input type="checkbox"/> Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.</p> <p>(d) <input type="checkbox"/> other:</p> <p>4. <input checked="" type="checkbox"/> Because of the dismissal of the appeal, this application:</p> <p>(a) <input checked="" type="checkbox"/> is abandoned because there are no allowed claims.</p> <p>(b) <input type="checkbox"/> is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.</p> <p>(c) <input type="checkbox"/> is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.</p>		
 XU MEI PRIMARY EXAMINER ART UNIT 2644		